

Claimant appeared by her attorney, John L. Carmichael of Wichita, Kansas. Respondent and its insurance carrier appeared by their attorney, Frederick L. Haag of Wichita, Kansas.

**ISSUES**

Claimant contends the \$200 in attorney fees awarded by the Administrative Law Judge was inadequate compensation for the services performed.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the record and considering the arguments, the Appeals Board concludes that the award should be modified and claimant's counsel should be awarded attorney fees in the amount of \$900.

On June 7, 1996, claimant filed an Application for Review and modification of an Award pursuant to K.S.A. 44-528 and requested attorney fees pursuant to K.S.A. 44-536. The Application for Review and modification requested additional medical treatment. A hearing was held on July 16, 1996, before the Administrative Law Judge. Claimant testified at that hearing and on July 16, 1996, the Administrative Law Judge denied the request for medical treatment. Claimant filed an Application for Review by the Appeals Board. The hearing was held before the Board on September 27, 1996. The Appeals Board reversed the decision by the Administrative Law Judge and remanded the case for additional proceedings. An additional hearing was held on October 31, 1996. No additional testimony was taken and the Administrative Law Judge ordered medical treatment.

At the hearing on October 31, 1996, claimant's counsel advised the Court that he had spent seven hours in connection with the review and modification and appeal. He requested attorney fees in the amount of \$100 to \$125 per hour. The Administrative Law Judge awarded \$200 and this appeal followed.

The Appeals Board, having reviewed the record and pleadings, concludes that seven hours is a reasonable amount of time for the various pleadings, preparation for hearings, and hearings. The Appeals Board also finds \$100 per hour to be an appropriate hourly rate.

The Appeals Board therefore awards \$700 in attorney fees for services rendered prior to this appeal. Claimant's counsel has advised the Board that he spent approximately two hours preparing the brief, preparing for hearing, and arguing this appeal. The Appeals Board therefore awards an additional \$200 as attorney fees for the appeal. See Arnold v. Hershberger, 4 Kan. App. 2d. 24, 602 P.2d 120 (1979).

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the award entered by Administrative Law Judge John D. Clark, Dated November 1, 1996, should be, and is hereby, modified and claimant's counsel is awarded attorney fees in the amount of \$900 to be paid by respondent in accordance with the provisions of K.S.A. 44-536.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February 1997.

---

BOARD MEMBER

---

BOARD MEMBER

---

BOARD MEMBER

c: John L. Carmichael, Wichita, KS  
Frederick L. Haag, Wichita, KS  
Kurt W. Ratzlaff, Wichita, KS  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director